

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDGAR PERRY,

No. C 08-00787 CRB

Plaintiff,

ORDER

v.

STEPHANIE WALKER,

Defendant.


This Court is a court of limited jurisdiction, and as such has discretion to dismiss a complaint sua sponte when no basis for federal jurisdiction appears on the face of the complaint or when it becomes apparent during the course of proceedings that the court lacks jurisdiction. See S. Pac. Trans. Co. v. City of Los Angeles, 922 F.2d 498, 502 (9th Cir. 1990); Fed. R. Civ. P. 12(h)(3).

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1 Plaintiff's complaint alleges that his neighbor is responsible for property damage
2 caused by flooding. The Court cannot identify a federal question presented by the complaint,
3 nor does there appear to be diversity jurisdiction. See 28 U.S.C. §§ 1331, 1332.
4 Accordingly, Plaintiff's complaint is DISMISSED. Plaintiff's outstanding motions are
5 DENIED AS MOOT.

6 **IT IS SO ORDERED.**

7
8 Dated: March 18, 2008



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

EDGAR PERRY,

Plaintiff,

v.

STEPHANIE WALKER et al,

Defendant.

Case Number: CV08-00787 CRB

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 19, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Edgar Perry
2540 Market Ave.
San Pablo, CA 94806-4542

Stephanie Walker
5151 Hilltop Drive
El Sobrante, CA 94803

Dated: March 19, 2008

Richard W. Wieking, Clerk
By: Barbara Espinoza, Deputy Clerk